

APPROVED: 3/19/09

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
FEBRUARY 19, 2009**

A regular meeting of the Town of Highlands Planning Board was held in the Court Room, Town Hall, Highland Falls, New York, on Thursday, February 19, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman

Terry Holt

Cathy Kelly

Chris Dyroff

John Hunter arrived at 7:12 P. M.

M. Justin Rider, Esq. (Rider, Weiner & Frankel, P.C.)

Paul Pelusio, P. E. (J. Robert Folchetti & Associates)

ALSO PRESENT:

Merv Livsey, Deputy Supervisor, John Hager, Building Inspector, Roy Hannawalt.

The meeting was called to order at 7:04 P. M. with the Pledge to the Flag. It was noted that a quorum was present.

A motion was made to approve the January 15, 2009 Minutes.

Motion: Mr. Holt

Seconded: Mr. Dyroff Approved

The Secretary is in possession of the tapes for the June 19, 2008 and August 21, 2008, and we should expect to have them next month.

COMMUNICATIONS

- Rural Features - One fact that the Chairman pulled out was that out of New York's 62 counties, Orange is only one of three that exceed the national average for growth in the past eight years.
- Letter from the Orange County Department of Planning, Commissioner Church, a reminder of GML239 LM&N Laws, and making referrals, and who is the County Planner assigned.

Mr. Rider explained the procedures for referrals to the new members.

Communications are available for review by Board Members.

VOUCHERS

New York Planning Federation	
Short Course Book	\$ 21.00
Rider, Weiner & Frankel, P.C. (Attorneys)	
General Planning	\$367.50
MRS	70.00
Lawless	35.00
J.R. Folchetti (Engineers)	
December	
General Planning	\$130.00
Bennett	180.64
Lawless	205.53
January	
General Planning	\$162.76

TRAINING

The Chairman thanked the members that attended the annual meeting. There were three members that attended and he has made up a form to report attendance. For the others, there will be plenty of opportunities to attend in the future.

OLD BUSINESS – None

NEW BUSINESS

Roy Hannawalt (Subdivision – R-1 Zone S17 B1 Lot 32.14)

Mr. Hannawalt explained he was here tonight to ask for a subdivision. He showed on a map what he is looking to do. He is taking out a 22 plus acre piece of ground that encompasses his and his son Phil's home, and the access into it from the lower portion of Mine Road and then again off of Dry Creek Road. They are not building anything and are not asking to make any changes other than the requested subdivision.

The Chairman explained that currently this is one big lot around the two lots. What he plans to do is put a lot that encompasses those two. What he is creating is two lots. This would not be a lot line change. The Board has been looking at lot line changes. This would not be a lot line change. You are creating lots here. Not for residential purposes at this time really does not save you anything. Once approved, someone could go in and ask for a building permit at any time. This is a subdivision in every sense of the matter because you are creating two new lots where houses could be built upon application for building permit once approved. If the Planning Board approved it, that would be the case. If we approved the subdivision, the Board would have to evaluate it.

Mr. Rider further explained that future development has an impact in that SEQR is required. The Board needs to consider everything needed to subdivide the lots and requires all information be presented to the Board. There is some consideration given to what the build-out intentions are with the parcels.

Mr. Hannawalt said there is no intention to ever build on lot 1. If anything happens to it, it would be sold. He has every intention of staying in the area. The piece that is left that amounts to those two sites that have been there for some time. If you go to the upper portion, there is a shop on the top part of the hill. There is not a lot of property there to do anything with. It will be his family's homestead. As far as building anything, it is not going to happen on this piece of property.

The Chairman questioned the access. There is a driveway. The map states that it is 25 foot wide easement. There is an easement through this whole lot.

Mr. Hannawalt stated there is no interest on his part to build anything on the remainder of the property, and no interest on the proposed new owner's part to building anything on that property, ever. He hoped it answered his question.

The Chairman explained that it doesn't really answer the question, and it did not satisfy the job of the Planning Board in creating a subdivision. Ms. Kelly asked if it had to be a build able lot or otherwise it would be a lot line change. He explained that a lot line change is moving a line to make the ability to walk around a house. With this we are drawing a new line, there was one big line encompassing the two lots. Now by drawing this line, there is a new lot created. In creating these new lots, it is the Board's job to say they are suitable lots to build on.

Mr. Rider discussed subdivision requirements, and stated there can be concerns that you may now be limiting your ability to properly plan because you don't have all the information before you. There are concerns with understanding the purpose and intent.

Mr. Hannawalt is tied to a situation where he cannot discuss the issues. Mr. Rider indicated the Board will respect that but the Board has to have enough information to properly address the request. The other point is lot 2. That becomes another lot also. That one is a little more complex with ponds and slope on it. Mr. Holt asked how you create the two lots. Is it a creeping subdivision? The Chairman explained that it is odd to see a lot like these inside of one large lot. It is an odd setup. It is not creating a new land lock. Mr. Hannawalt will confirm the date of the original subdivision.

Mr. Rider asked if someone could clarify the access to Lot 1. Mr. Hager explained the Table and the information requested. Dry Creek is a Town Road. Mr. Rider asked Mr. Hannawalt to present the easement document on the driveway. Mr. Hannawalt will have all the documents available to the Board.

Ms. Kelly brought up the fact that on the north side of the lot line the legend the maps use lands formerly West Point Military Academy instead of West Point Military Reservation which show on other maps. Mr. Hannawalt will address that issue and have it changed on the plans.

Mr. Rider stated that if the Board would like to declare its intent for Lead Agency under a Coordinated Review, notice will have to be sent to Orange County Planning and to the Department of Environmental Conservation.

Discussion continued with regard to the letter from Paul J. Pelusio, of J. Robert Folchetti & Associates, L. L. C. on the Zoning Conformance Summary, with questions and answers.

The Chairman discussed declaring its intent for Lead Agency and undertaking a review. He asked Mr. Hannawalt to contact the Town Fire, Ambulance, and School District for their comments on the property. Concern was expressed regarding the property itself, and looking into the future, if it were to be turned over to other owners. The Board was invited to visit the site at any time.

A motion was made that it is the Board's intent to declare Lead Agency to conduct a Coordinated Review under SEQR.

Motion: Ms. Kelly

Seconded: Mr. Hunter

Approved

Mr. Hannawalt is concerned that he will get all of the information that the Board will require so that he can do this one time with one map and not have to do revisions. He would like the Board to have all the information that it needs.

The Chairman stated that the way the map shows now, further comments will be forthcoming. Mr. Rider stated that so far what has been presented does not meet regulations. Ms. Kelly questioned the topography, with Mr. Rider indicating that the regulations will break it out with the specifications.

Mr. Hager explained topography information for the Board. The Chairman asked Mr. Hannawalt to confer with the Engineer Mr. Pelusio.

PUBLIC COMMENT

Minor Subdivision Law

The Board discussed the proposed Minor Subdivision Law regarding lot line adjustments.

A motion was made to refer this to the Town Board with our recommendation that they amend the Subdivision Regulations to add this, with the changes, as discussed.

SECTION 300–a Lot Line Adjustments

§301-a Purpose.

A "lot line adjustment" is the relocation or revision of a lot line of a lot, which revision is intended to correct minor boundary problems and is not intended to create a new lot for development purposes and which revision will result in land area to become part of an existing adjacent lot or parcel, provided that such lot line adjustment does not create a parcel at variance with the bulk requirements of the zone in which such parcel is located. A lot line adjustment to an existing non-conforming lot, shall not make any non-conformity more severe.

§302-a. Application and fee.

The applicant shall file an application for the consideration of a lot line adjustment in the form provided by the Planning Board. The fees required by the Standard Schedule of Fees for the Town of Highlands shall be paid at the time of application by the applicant. Ten copies of the lot line adjustment plat shall be presented to the Secretary of the Planning Board by the last business day of the month prior to the next regularly scheduled monthly meeting of the Planning Board.

§303-a. Attendance of applicant at Planning Board meeting.

The applicant or his/her duly authorized representative shall attend the meeting of the Planning Board to discuss the lot line adjustment.

§304-a. Approval Procedure.

A. Sketch plan.

- (1) Submission of plat. Any applicant for a lot line adjustment shall submit a plat, prepared by a licensed land surveyor and suitable for recording, depicting the lot line adjustment as well as all buildings, structures, improvements and bulk requirements.
- (2) Study of sketch plan. The Planning Board shall, within 62 days of an applicant's first appearance, determine whether the sketch plan meets the purposes of this chapter and shall, where it deems it necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission, if any, to the Planning Board.
- (3) Public Hearing Optional. A public hearing may be held in the discretion of the Planning Board on all plats submitted in final form within 62 days of their submission to the Planning Board. The hearing must be advertised at least once in a newspaper of general circulation in the town at least 10 days and no more than 30 days prior to the hearing; by posting notice thereof at the property site; and by mail to the owners of property within 500 feet of the proposed lot line change and to any other persons whom the Board deems to be particularly affected. The applicant shall file proof of compliance with the provisions herein at the hearing.
- (4) Final approval of the sketch plan in the case of lot line adjustment. Following the completion of the sketch plan procedure, the Planning Board may, approve, conditionally approve, with or without modification, or disapprove the plat. The Board shall specify, in writing, its reasons for any such disapproval. After all requirements and conditions of the resolution pertaining to the sketch plan have been satisfied, the Planning Board shall authorize the filing of a deed at the Orange County Clerk's Office which deed shall contain a metes and bounds legal description of the property being transferred and a reduced plat acceptable to the County Clerk for recording as a schedule to the deed. If not filed or recorded in the office of the County Clerk within 90 days of the date upon which such plat is approved, the plat shall become null and void. The Planning Board may extend the time for filing and recording such plat if, in its opinion, such extension is warranted by the particular circumstances thereof, for not to exceed two additional periods of 90 days each.

§305-a. Waiver.

The Planning Board may at the request of an applicant, for special circumstances, modify or waive any of the foregoing requirements, which waiver will not otherwise impact the promotion of the public health, safety and welfare.

Motion: Mr. Holt

Seconded: Mr. Hunter Approved

Mr. Livsey stated that Planning Board Meeting dates will be on the Local Cable Channel 23. If there is anything you need posted on that channel, please let him know, giving his Cell Phone Number.

Mr. Livsey also commented on the Association of Towns' Web Site where local municipalities for Town Board Planning Minutes are posted, and the Town of Highlands could do this at any time. Discussion continued on the pros and cons of doing this. The Board will consider the idea.

Mr. Rider discussed Mr. Hannawalt's four-lot subdivision on Mine Road. An advisory notice has been written by Mr. Hager reminding Mr. Hannawalt what the subdivision requires.

Ms. Kelly in discussing the cul-de-sac on which part of the detention pond will go, in 2001, there was an issue, that maybe he would build that cul-de-sac before he turned the road over to the Town, because although he had filed no plans for further subdivision.

Mr. Rider and Mr. Hager have discussed these issues and the items that directly address the Board's Resolution. It has the potential to create a problem. It is an unusual situation.

At 8:57 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Holt

Seconded: Ms. Kelly Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

The next Regular Planning Board Meeting is March 19, 2009.